

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TREVOR KEVIN BAYLIS,

Plaintiff,

v.

VALVE CORPORATION,

Defendant.

Case No. 2:23-cv-01653-RSM

PLAINTIFF

TREVOR KEVIN BAYLIS

SECOND AMENDED COMPLAINT

Filed: 2.6.2024

1. INTRODUCTION

1. In accordance with The Honorable Ricardo S. Martinez order, Dkt. #23, Order Granting Defendant Valve Corporation's Motion For More Definite Statement, Plaintiff "Baylis" hereby amends the complaint as so ordered.

2. THE PARTIES TO THIS COMPLAINT

A. Plaintiff

2. Trevor Kevin Baylis
Jankanraitti, Tampere 33560, FINLAND

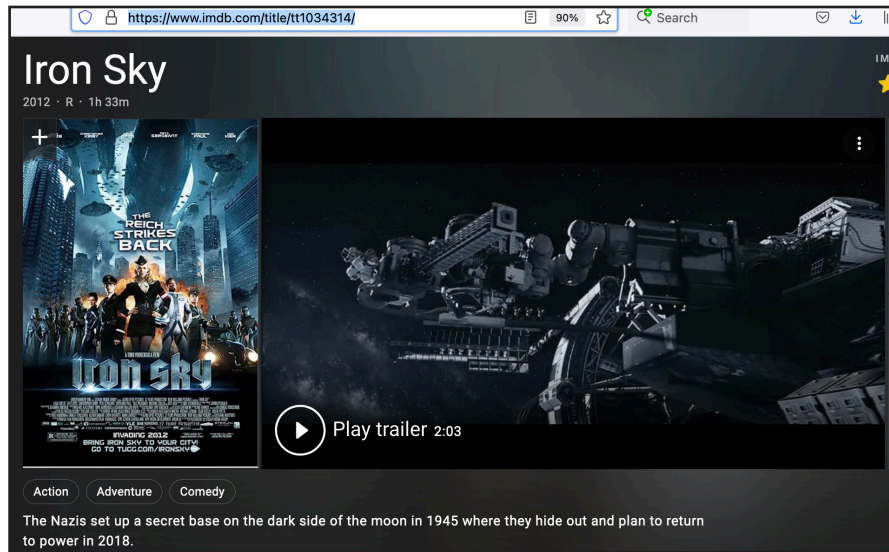


Fig. 1

3. “Baylis” is a United Kingdom citizen and a resident of Finland. He owns copyright as joint author of the whole film Iron Sky. (See Fig.1) <https://www.imdb.com/title/tt1034314/> (Accessed 22 Dec 2023)

4. Baylis is registered as joint author of the film Iron Sky at US Copyright Office (see Fig. 2). The registration number is, PA0002432422.

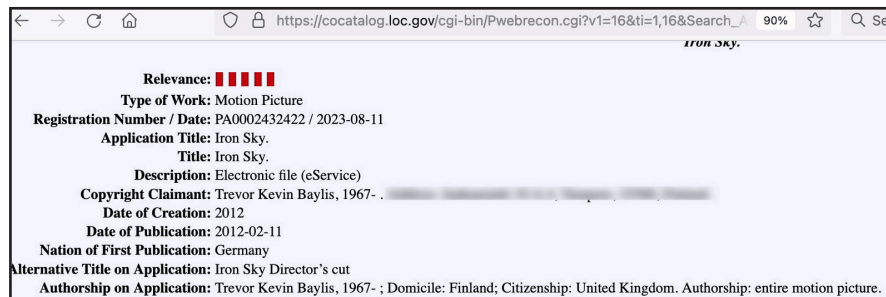


Fig. 2

B. Defendant

5. Valve Corporation (A.K.A ValveSoftware). “Valve” is a corporation organized and existing under the laws of Washington with its principal place of business at 10400 NE 4th St., Suite 1400, Bellevue, Washington 98004. Valve also has a registered agent at Corp-Serve, Inc., 1001 4th Ave, Ste. 4400, Seattle, WA 98154-1192.

3. NATURE OF THE CLAIM

6. Defendants “Valve” are an Internet Service Provider and video game distributor that operates a PC Desktop Gaming Platform and a PC Desktop Game Distributor which is a digital storefront and delivery platform collectively known as “Steam”, a public facing Online platform from which “Partners” (game developers) upload games to, and which Valve exhibit control over as indicated by their Terms of Service, Steamworks Documentation, and Review Process. (https://partner.steamgames.com/doc/store/review_process)

7. Valve receives monetary benefits from selling, displaying and distributing video games including allowing users/customers to share game play and images from Steam to other third party Online platforms such as Youtube and various social media platforms.

8. Baylis alleges copyright infringement claims, including vicarious infringement under the Copyright Act (17 U.S.C §501) (17 U.S.C §106) and claims under the Digital Millennium Copyright Act (17 U.S.C. §512 (c) and 17 U.S.C. §512 (f))

9. Baylis alleges that Valve willfully continues to sell, display and distribute video games and images derived from Baylis’ copyrighted works from the film Iron Sky, which he is an author of, and has a registered copyright at the US Copyright Office (PA0002432422), and Valve allows third parties to utilise those works in various ways, including streaming to other Online platforms without license from Baylis to do so, which is a violation of Baylis’ exclusive rights under the Copyright Act (17 U.S.C §106).

10. Baylis alleges Valve are fully aware that they are not covered the Digital Millennium Copyright Act safe harbor immunity (17 U.S.C. §512 (c)) due to the fact they receive financial benefits from the claimed infringing activities, and have the right and ability to control such things, and Valve have a registered designated Digital Millennium Copyright Act Agent “Dawn Dempsey” who should know such things given that the overall business

1 nature of Valve itself would likely exempt them from safe harbour immunity under the Digital
2 Millennium Copyright Act (17 U.S.C. §512 (c)).

3 11. Baylis alleges Valve have willfully, materially misrepresented that infringing
4 material or activity was removed or disabled by mistake or misidentification under the Digital
5 Millennium Copyright Act (17 U.S.C. §512 (f)), and have not acted expeditiously to remove
6 infringing material, and have ultimately ceased to disable access to it.

7 4. QUESTIONS PRESENTED

8 12. Under the Copyright Act (17 U.S.C §101) ““Motion pictures” are audiovisual
9 works consisting of a series of related images which, when shown in succession, impart an
10 impression of motion”. Can Animators who by utilising their own formative freedoms in
11 creating and animating subject matter for the film Iron Sky, be regarded as joint authors to the
12 film Iron Sky as a unitary whole?

13 13. Under 17 U.S. Code § 201(a) Initial Ownership “The authors of a joint work
14 are coowners of copyright in the work.” Can Animators of the film Iron Sky be denied
15 copyright to their joint film work on the basis that it may just be impractical or impossible to
16 differentiate their individual contributions from other joint authors of the film Iron Sky.

17 14. Whether a United States Court or any other organisation or governmental
18 body can expropriate copyright from Baylis under 17 U.S. Code § 201(e) when that copyright
19 has not previously been transferred voluntarily by Baylis due to the fact no employment or
20 service relationship existed at the time the work was initially created.

21 15. Whether the Iron Sky film must be registered for copyright in the United
22 States under 17 U.S. Code § 411(a) in order to provide prima facie proof of copyright, and
23 to instigate legal proceeding in the United States, when it’s “Country of Origin” under Berne
24 Convention Article 5 (4) (a) is Germany.

1 16. Whether the exclusive rights of Baylis under 17 U.S.C §106 can be “fully
2 assigned” by “limited license” (to one film) through a foreign employment contract when
3 such a contract is not “work for hire” and silent on specific adaptation rights, and future uses.

4 17. Whether the exclusive rights of Baylis under 17 U.S.C §106 can transfer to
5 a commissioning party without any written conveyance or without a service or employment
6 relationship.

7 18. Under 17 U.S.C §103(a) can the creator/s or producers or distributors or any
8 others involved in the production of unauthorised derivative works based on Baylis’ work
9 claim “remedies and protections” for such unauthorised work or authorise sub-licensing of it.

10 19. Whether Valve or their Partners can have standing to claim “remedies and
11 protections” for the film Iron Sky, the animated sequences within, as well as the 3D models
12 and scenes under 17 U.S.C §501 given that no exclusive rights can have been granted.

13 20. Direct Copyright Infringement: Whether Valve violated the copyrights
14 of Baylis under 17 U.S.C §501 when they sold, displayed and distributed his works on
15 their Steam platform.

16 21. Vicarious Copyright Infringement: Whether Valve violated the copyrights of
17 Baylis under 17 U.S.C §501 when they distributed his works in order to induce, materially
18 contribute, or otherwise encourage users of Steam to directly infringe Baylis’ works.

19 22. Whether Valve has materially misrepresented under 17 U.S.C. §512 (f) when
20 they have not acted expeditiously to remove infringing material identified by Baylis, and have
21 ceased to disable access to it. It is still not disabled at time of writing.

22 23. Whether Valve has materially misrepresented under 17 U.S.C. §512 (f)
23 when not conducting adequate due diligence to see themselves that they have no actual
24 authorization from Baylis related to his exclusive rights under 17 U.S.C §106 via Chain of

1 Title documentation in Valve's own review process related to Iron Sky Invasion games.

2 24. Whether Valve are eligible for Safe Harbour immunity under 17 U.S.C. §512 (c)
3 when Valve receives financial benefits from the infringing activities, and have the right and
4 ability to control such things and have not disabled the infringing material whilst monetizing it.

5 **5. JURISDICTION AND VENUE**

6 25. This Court has subject-matter jurisdiction under 28 U.S.C. § 1332 because this
7 case is a diversity of citizen case and the amount at stake is more than \$75,000.

8 26. The case arises under the Copyright Act (17 U.S.C. §101) (17 U.S.C. §501)
9 (17 U.S.C. §106) and the Digital Millennium Copyright Act (17 U.S.C. § 512) (17 U.S.C. §
10 512 (c)) (17 U.S.C. § 512 (f)).

11 27. This Court has personal jurisdiction over Valve Corporation because defendant
12 Valve Corporation headquarters are located in Bellevue, Washington, and Valve has a
13 continuous presence in this District.

14 28. Jurisdiction and venue are proper in this judicial district under U.S.C. § 1391

15 29. Valve also has agreements with publishers, copyright holders and consumers
16 that require related disputes to be litigated in this District.

17 30. Valve has consented to litigation to be dealt with in this District.

18 **6. STATEMENT OF CLAIM**

19 31. Valve is an Internet Service Provider that continues to willfully infringe on
20 Baylis' exclusive copyrights related to the film Iron Sky and are able to receive financial
21 benefits from doing so.

22 32. On information and belief, Valve has the right and ability to control content on
23 it's platform as it has significant Terms of Service that game developers "Partners" using the
24 platform must abide by including a review system whereby Valve reviews games to ensure

1 they conform to Valve's requirements before allowing them on their Steam platform.

2 33. Baylis is a highly experienced animator who is a joint author of the film Iron
3 Sky, which was first published the Berlin International Film Festival 11 February 2012.

4 34. The film features 890 shots, more than half the film, which were created by the
5 animation team of which Baylis was a lead artist, and his name appears at the top of the film
6 credits for VFX artists. A "VFX artist is a visual artist that utilises 3D animation software,
7 and includes multiple skills such as, scene building, rigging, animation and more.

8 35. An artist such as Baylis has complete mastery over the audio visual works they
9 create. They may work independently or jointly as a team to achieve visual imagery for films
10 and other media. Such artists in general have revolutionised the way modern films are made.

11 36. The producers of Iron Sky, Blind Spot Pictures have never had any adequate
12 conveyance of copyright ownership from Baylis (or others) that allows them to make or
13 authorise any adaptations of the film Iron Sky. Baylis has best standing to protect the work.

14 37. Iron Sky started off as an amateur production by a group of friends who had
15 previously made a fan film parody called Star Wreck. For their next film idea they choose
16 to make a film about a conspiracy theory relating to Germans from the Second World War
17 escaping to the dark side of the Moon. This film became Iron Sky.

18 38. These amateur film makers, were contacted by Tero Kaukomaa of Blind
19 Spot pictures who helped them to devise marketing and funding strategies including
20 crowdsourcing and crowdfunding. A web platform called Wreckamovie ([https://en.wikipedia.](https://en.wikipedia.org/wiki/Wreckamovie)
21 [org/wiki/Wreckamovie](https://en.wikipedia.org/wiki/Wreckamovie)) was set up with the premise of creating an Online community where
22 ordinary people could collaborate on film projects.

23 39. The amateur nature of such a film production as Iron Sky meant that the
24 amateur film makers had very little idea about the legal and business side of film making.

1 40. Samuli Torssonen (amateur film maker) had set up a company called Energia
2 Productions at an office in Tampere Finland and advertised for 3D artists to join the Iron Sky
3 production. However, many of the artists that joined were offered 6 month “work training”
4 agreements rather than employment contracts. It meant that Samuli Torssonen could keep
5 costs low by not actually paying people for their contributions. Nor would he have to provide
6 medical insurance, or other benefits or have to deal with tax issues.

7 41. Consequently, many artists including Baylis provided significant works, such
8 as whole space ships, environments and animated scenes used in the film whilst no actual
9 employment or service relationship, or wages existed for large parts of the production.

10 42. Baylis immediately saw the legal problems with production development.
11 Baylis made it clear to Samuli Torssonen at the time that Baylis would remain the copyright
12 holder of the work - Not Samuli Torssonen nor Energia Productions.

13 43. Baylis has never had an actual written contract directly with Tero Kaukomaa
14 or his company Blind Spot Pictures. Baylis’ perspective was that the circumstances around
15 the production could create a kind of tacit implied “user license” that would allow the film
16 to be exploited but Baylis knew such a limited license could never be adequate for any
17 future use or adaptations, which would need by law, explicit written agreements signed by
18 all parties. This is known as the Chain of Title. [https://www.goldenwaymediafilms.com/
19 copyright-and-chain-of-title-in-film-and-tv-production/](https://www.goldenwaymediafilms.com/copyright-and-chain-of-title-in-film-and-tv-production/)

20 44. Baylis would have some significant portfolio work as a result and could utilise
21 such works himself in the future, and negotiate for any future works or adaptations with
22 Producers via explicit written licensing agreements if so asked. (No such requests came).

23 45. Iron Sky (film) is a foreign work, in that, the work originates outside of the US.
24 The origin country of the work is regarded to be Germany under Berne Convention article 5

(4) (a) due to it being first published in Germany. Therefore, German copyright law applies in terms of first authorship laws. See *Itar-Tass Russian News v. Russian Kurier*, 153 F.3d 82

46. There is no need to register foreign works with the US Copyright Office.

47. Germany has a Monistic system of copyright which makes corporate ownership of copyright impossible. Economic copyrights are inalienable as well as Moral rights, and cannot be transferred from the author or sold outright to a third party.

48. Furthermore, under German law, a script/screenwriter is not considered to be a joint author of a film. A film is a derivative work, separate from the written manuscript. For example, in the same way a film derived from a novel is a separate work. Only the people who created the film, which is itself a series of images plus sound, can be authors of the film.

49. COPYRIGHT T.V. “The Tunnel” District Court of Munich ZUM-RO2001/23. “The test is: would it be possible to exploit the contributions to the work independently of each other. If not, there is a work of joint authorship the copyright of which arises jointly in the co-authors, see Article8(1) of the German CopyrightAct. As a consequence, the ownership is held jointly by the co-owners. The joint property can only be transferred collectively.” “Thus unlike many other national copyright laws, according to German copyright law the authors of a script for a tv-film do not become joint authors of the tv-film- they are, just like the composer of the film music, authors of pre-existing works which are independent of the film work. Again, unlike U.S. law, German law does not know the work for hire doctrine according to which the initial ownership in the copyright of an audiovisual work may arise in the (legal) person who employed the persons who created the work. The copyright arises always in the individual person(s) who created the work.”

http://vahrenwald.eu/wp-content/uploads/2017/01/117.DistCtMunich.19.01.01TheTunnelJointAuthorshipAndTransferOfCopyright.2002.EntLR_.N2.pdf

50. According to German copyright law the joint authors of a film includes animators as they are the master minds behind their own rendered scenes which are themselves images that make up the film.

51. The test is to take the work out of a film and see if it makes a difference. Clearly to take the work of the animators out of an animated film would have made a hugely significant difference to the film.

52. Baylis was lead artist for 3D animation of Iron Sky film. He was involved with

the production longer than most other artists and their work often relied on his work.

53. The whole ending of the film Iron Sky, where the Gotterdammerung craft rises and then crashes into the Moon was predominately Baylis' work and the craft itself was too complex for other animators to use (see Fig. 3).



Fig. 3

54. Baylis was the modeling team supervisor and most of the models from the film went through him at some stage. He has the most standing to protect his work on Iron Sky.

55. Baylis created all of the complex scenes which required specialist rigging and animations, including destruction of craft scenes. The film would not exist without him.

56. Baylis was on Finnish TV news demonstrating the Gotterdammerung to reporters in February 2012 and was the only senior 3D artist that remained after (see Fig. 4).



Fig. 4

trevMTVNews29 02 2012 Ironsky

https://youtu.be/gWMJfLj5UJY?si=BGZTEUt_TYz1GHDH

57. Baylis was on the red carpet and stage with other members of the film at the first screening of Iron Sky at the Berlin Film Festival February 2012 (see Fig. 5).

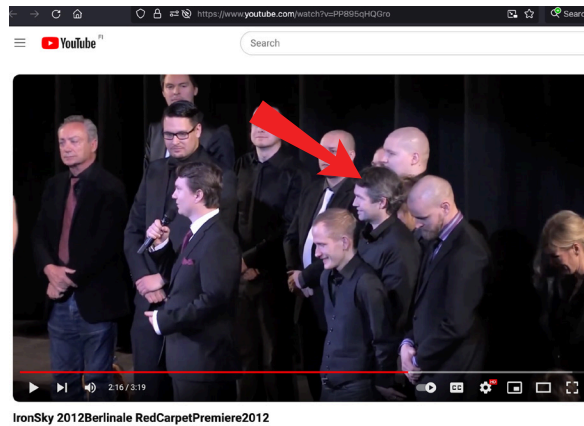


Fig. 5

IronSky 2012Berlinale RedCarpetPremiere2012

https://youtu.be/PP895qHQGro?si=uPpuxQDKB9K_6Urr

58. Regarding the above, it follows that Valve do not, and have never had, any license from Baylis that allows them to display or distribute Baylis' work, whether adapted into a video game or in any other way via their Online platforms or by sale or gift to consumers or in any other way and therefore, constitutes copyright infringement in violation of the copyright act of 1976, 17 U.S.C. §106.

59. And yet Valve continues to willfully infringe on Baylis' exclusive copyrights under 17 U.S.C. §106 and have received financial benefits from doing so.

Right is a screen grab for the main page of Iron Sky Invasion on Valve Corporations Steam Platform (Fig. 6)

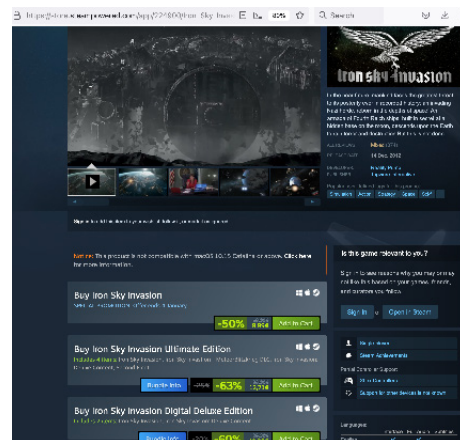


Fig. 6

Iron Sky Invasion

https://store.steampowered.com/app/224900/Iron_Sky_Invasion/ (Accessed 22 Dec 2023)

7. IDENTIFICATION OF COPYRIGHTED WORKS ON STEAM

60. The games (and related media) that Valve are selling, displaying and distributing which infringe Baylis' copyright are listed on the following links (all accessed 22 December 2023),

1. ***Iron Sky Invasion***

https://store.steampowered.com/app/224900/Iron_Sky_Invasion/

2. ***Iron Sky Invasion: Meteorblitzkrieg***

https://store.steampowered.com/app/234880/Iron_Sky_Invasion_Meteorblitzkrieg/

3. ***Iron Sky Invasion: Deluxe Content***

https://store.steampowered.com/app/547430/Iron_Sky_Invasion_Deluxe_Content/

4. ***Iron Sky Invasion: The Second Fleet***

https://store.steampowered.com/app/234860/Iron_Sky_Invasion_The_Second_Fleet/

5. ***Reality Pump Studios 35th Anniversary*** is a bundle available to download and play for \$57.80. It includes 41 apps and 41 packages. (Including Iron Sky Invasion)

<https://steambase.io/bundles/reality-pump-studios-35th-anniversary>

6. ***Iron Sky Invasion Community Items including playing cards***

<https://steamdb.info/app/224900/communityitems/>

[https://cdn.cloudflare.steamstatic.com/steamcommunity/public/images/](https://cdn.cloudflare.steamstatic.com/steamcommunity/public/images/items/224900/588e53c8d14edc7846cd8370846b59b34d72b0b1.jpg)

[items/224900/588e53c8d14edc7846cd8370846b59b34d72b0b1.jpg](https://cdn.cloudflare.steamstatic.com/steamcommunity/public/images/items/224900/588e53c8d14edc7846cd8370846b59b34d72b0b1.jpg)

[https://cdn.cloudflare.steamstatic.com/steamcommunity/public/images/](https://cdn.cloudflare.steamstatic.com/steamcommunity/public/images/items/224900/8767badc9b7a8188e38993fd1d4e3731ae3baa39.jpg)

[items/224900/8767badc9b7a8188e38993fd1d4e3731ae3baa39.jpg](https://cdn.cloudflare.steamstatic.com/steamcommunity/public/images/items/224900/8767badc9b7a8188e38993fd1d4e3731ae3baa39.jpg)

[https://cdn.cloudflare.steamstatic.com/steamcommunity/public/images/](https://cdn.cloudflare.steamstatic.com/steamcommunity/public/images/items/224900/613a5912b57981e018970b5e923e2b0d9b3413fd.jpg)

[items/224900/613a5912b57981e018970b5e923e2b0d9b3413fd.jpg](https://cdn.cloudflare.steamstatic.com/steamcommunity/public/images/items/224900/613a5912b57981e018970b5e923e2b0d9b3413fd.jpg)

<https://steamcommunity.com/app/224900>

<https://steamcommunity.com/app/224900/screenshots/>

<https://steamcommunity.com/sharedfiles/filedetails/?id=1847551157>

61. Valve Corporation also encourage their own clients to download and distribute copies of Baylis' works to other web platforms such as Youtube and social media.

<https://steamcommunity.com/app/224900/screenshots/#scrollTop=0>

"Contributing Screenshots, Artwork and Videos to the Steam Community By Jimo...I will give you instructions on how you can contribute your own screenshots, artwork and videos for your favorite games to the Steam community....Sharing Screenshots. Screenshots you've taken within a game using the Steam screenshot key can be uploaded using the screenshot uploader tool. By default this button is bound to "F12", and can be edited within the Steam settings....Open the Steam client and click on "View" and then "Screenshots" at the top to access the screenshot uploader....Once you're done linking your YouTube account with Steam return to the videos page on your Steam profile and select the "Add videos from YouTube" button near the top.

Clicking on this button will give a page which looks like the following:"

<https://steamcommunity.com/sharedfiles/filedetails/?id=181142704> (Accessed 22 Dec 2023)

62. Below Fig. 7 and 8, are examples of "screen shots" Valves customers are encouraged to share. This is just a few examples show. There appears to be numerous amounts which is impractical to list individually but all accessible through this link, <https://steamcommunity.com/app/224900/screenshots/#scrollTop=0> (Accessed 22 Dec 2023)

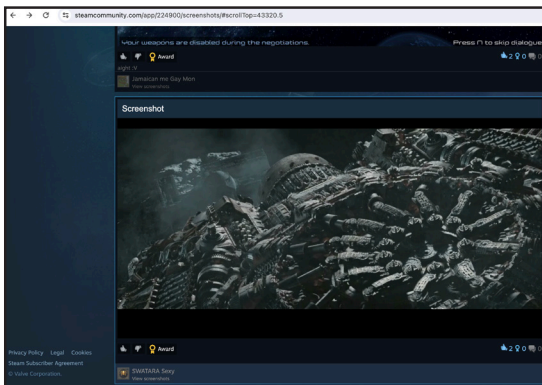


Fig. 7

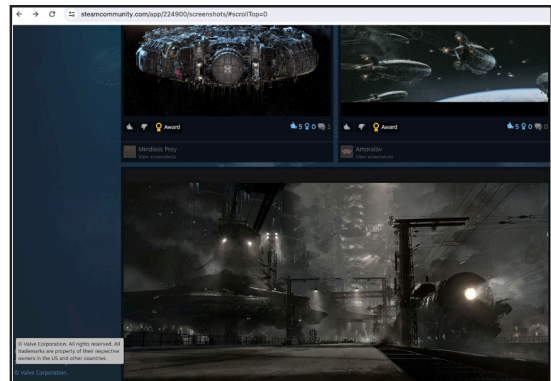


Fig. 8

8. IDENTIFICATION OF AND COMPARISONS OF WORKS.

63. Baylis is a joint author of the whole film Iron Sky and shares a copyright interest equally with other joint authors of the film. In addition, the actual space crafts and other models in the film can be used separately in other media as evidenced by the game Iron Sky Invasion itself.

64. Baylis claims joint authorship of the film Iron Sky as a whole and also claims authorship to 3D models as part of the film. He was modeling supervisor in charge of the modeling team. In particular Baylis had hands on involvement regarding his own personal formative freedoms to leave his mark on the following works, which are predominantly used in Iron Sky Invasion as actual game play and related media.

Exhibits.

A. Iron Sky film version of George W Bush craft.

65. Baylis was in charge of the main construction of the George W Bush craft (Fig. 9). It had to accommodate his own complex modeling, rigs and animations as well as it be prepared for use by other team members in future battle scenes.

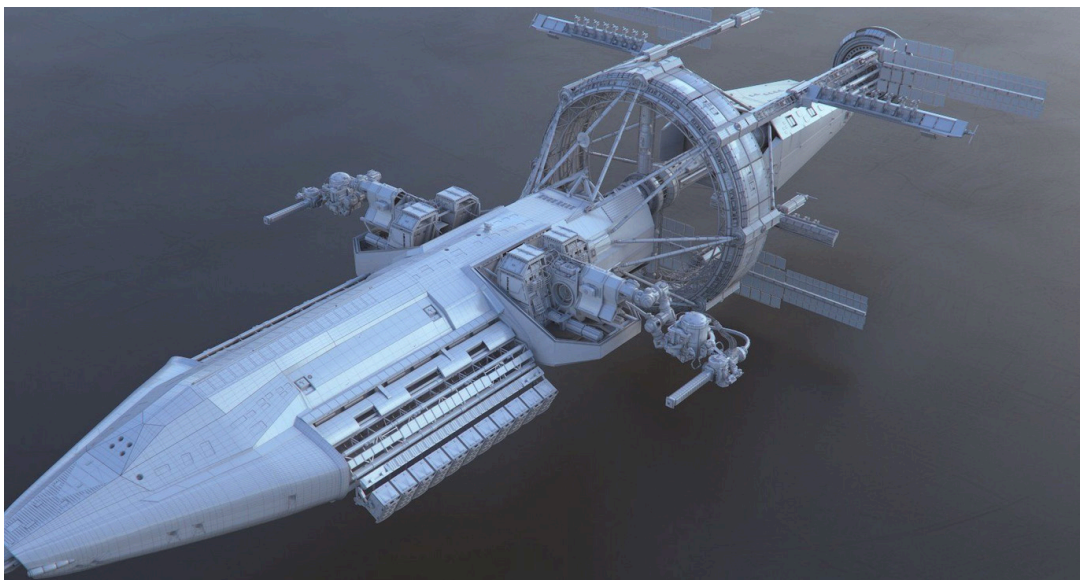


Fig. 9

B. Iron Sky film version of George W Bush craft main authors.

3D Models VFX and Animation Authorship

USS George W Bush Spacecraft.

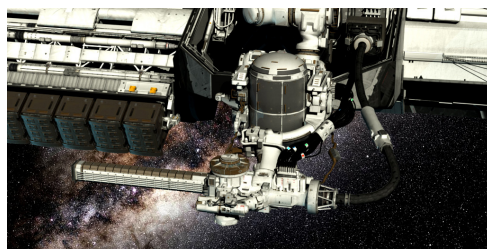
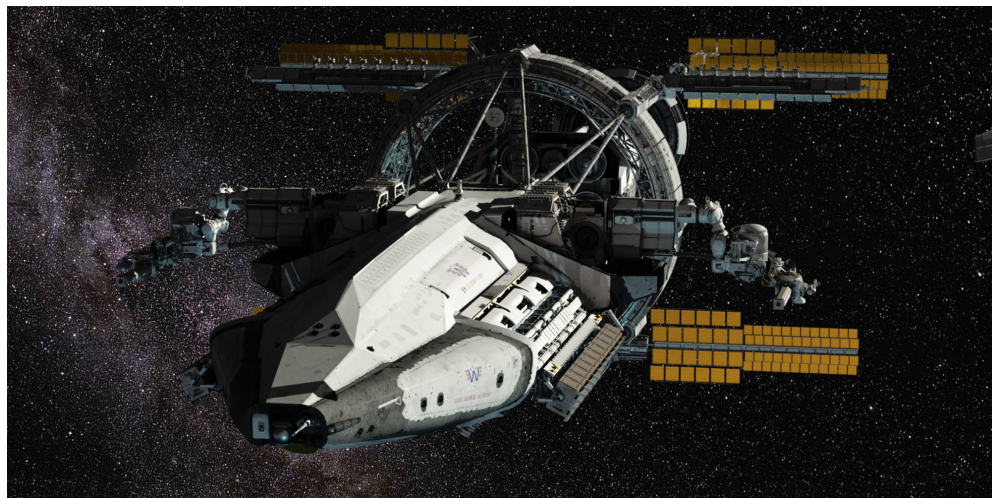
Main authors

Trevor Kevin Baylis

Erkko Huhtamäki

PyryParkola

Iron Sky film Originals



C. Iron Sky film version of George W Bush craft main weapons author.

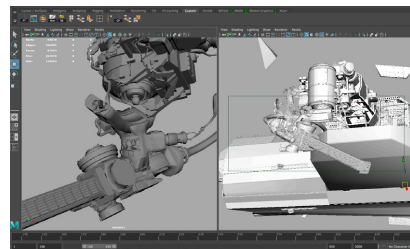
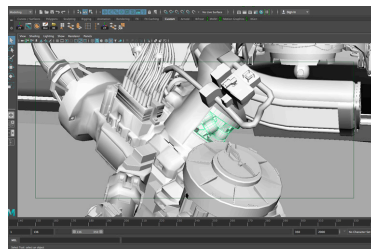
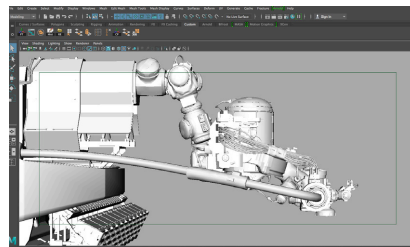
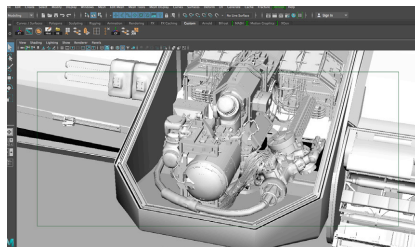
3D Models VFX and Animation Authorship

USS George W Bush Spacecraft Weapons.

Main authors

Trevor Kevin Baylis

Iron Sky film Originals



D. Iron Sky film version of George W Bush craft Maya model file.

3D Models VFX and Animation Authorship

USS George W Bush Spacecraft.

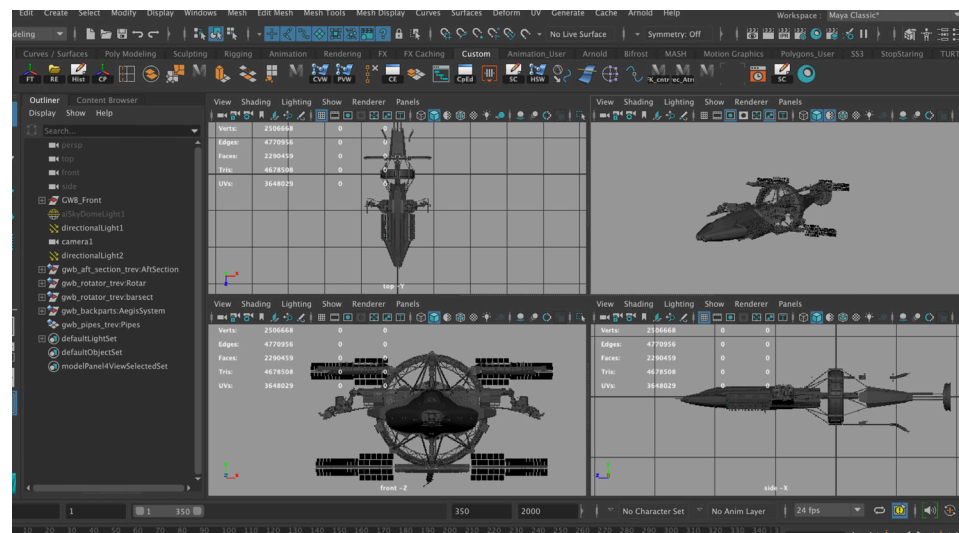
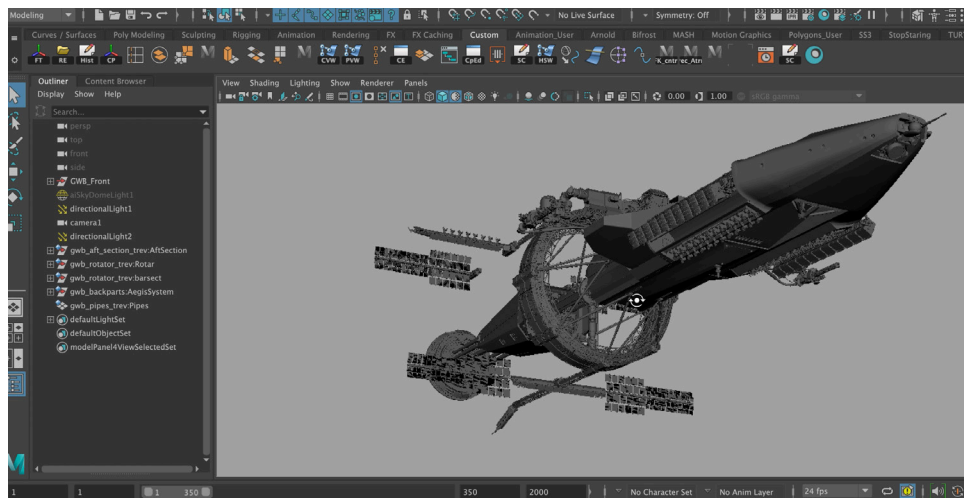
Main authors

Trevor Kevin Baylis

Erkko Huhtamäki

PyryParkola

Iron Sky film Originals

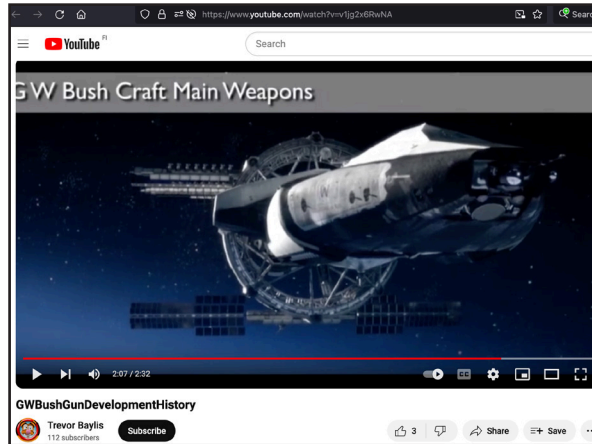


Example of 3D file meta data with my name in it - This is for the George W Bush weapons revel scene

A 2x2 grid of four black and white images showing the USS George Washington (LHA-7) being lifted by a massive crane in space. The ship is oriented vertically, and the crane's structure is visible against the dark background of space.

F. Video of construction for main weapons for the George W Bush craft.

66. In this below video (link) Baylis demonstrates the construction of the main weapons for the George W Bush craft and the other animations . **It is important to note that Baylis was unemployed at the time he created this and did not have any kind of employment or service relationship with anyone.**



GWBushGunDevelopmentHistory

<https://youtu.be/v1jg2x6RwNA?feature=shared>

67. The video shows the file names, which have Baylis' name on them "trev" as captions in the video. It shows how he starts by using basic shapes to work out the animation and then adds more detailing to the geometry. Then the weapons are attached to the larger model and he continue animating the scene including all other aspects of the craft such as covers blowing off and other weapons unrolling from the sides of the craft. This was one of the most salient scenes in the film as it showed the fight back against the invasion of the Earth. The idea being that the craft had the character of a Texas gun slinger, un-holstering it's guns in an elaborate and theatrical way to convey drama to the audience. The Gunslinger idea was Baylis' own and the creation of the gun and animations contain his own original expression. Baylis' original ideas and expressions permeate through the rest of his work on Iron Sky. Baylis has best standing to protect copyright in the work.

G. Iron Sky George W Bush craft within Iron Sky Invasion Game.

3D Models VFX and Animation Authorship

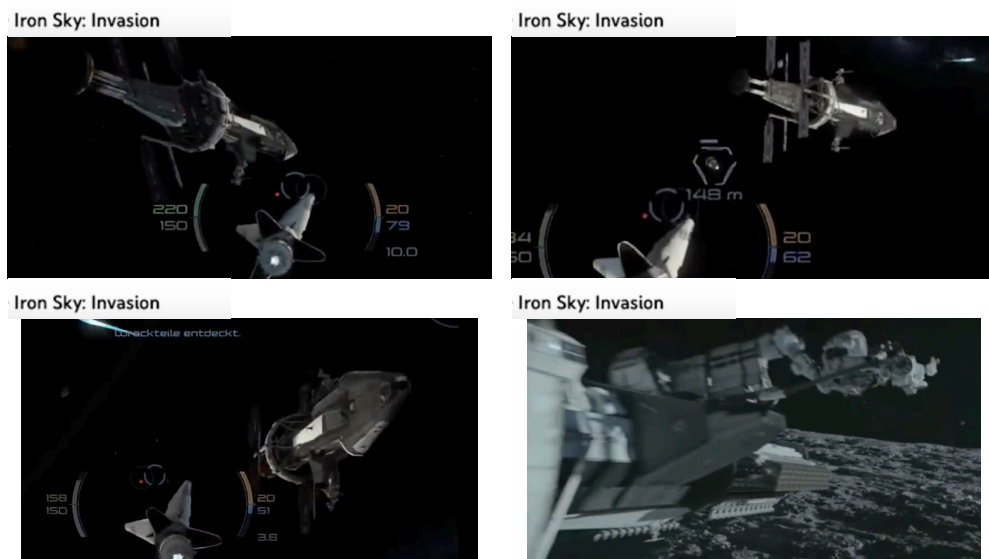
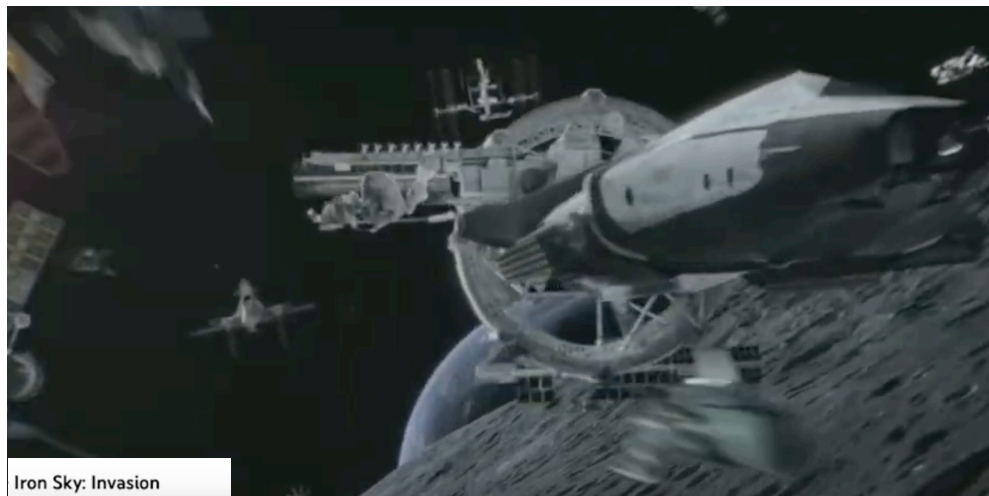
USS George W Bush Spacecraft.

Main authors

Trevor Kevin Baylis

Erkko Huhtamäki

PyryParkola



<https://www.youtube.com/playlist?list=PLCAwXPVHuHgAXbCPIQQAcl6uljwz5dIOG>

H. Iron Sky Invasion version of Iron Sky film George W Bush craft.

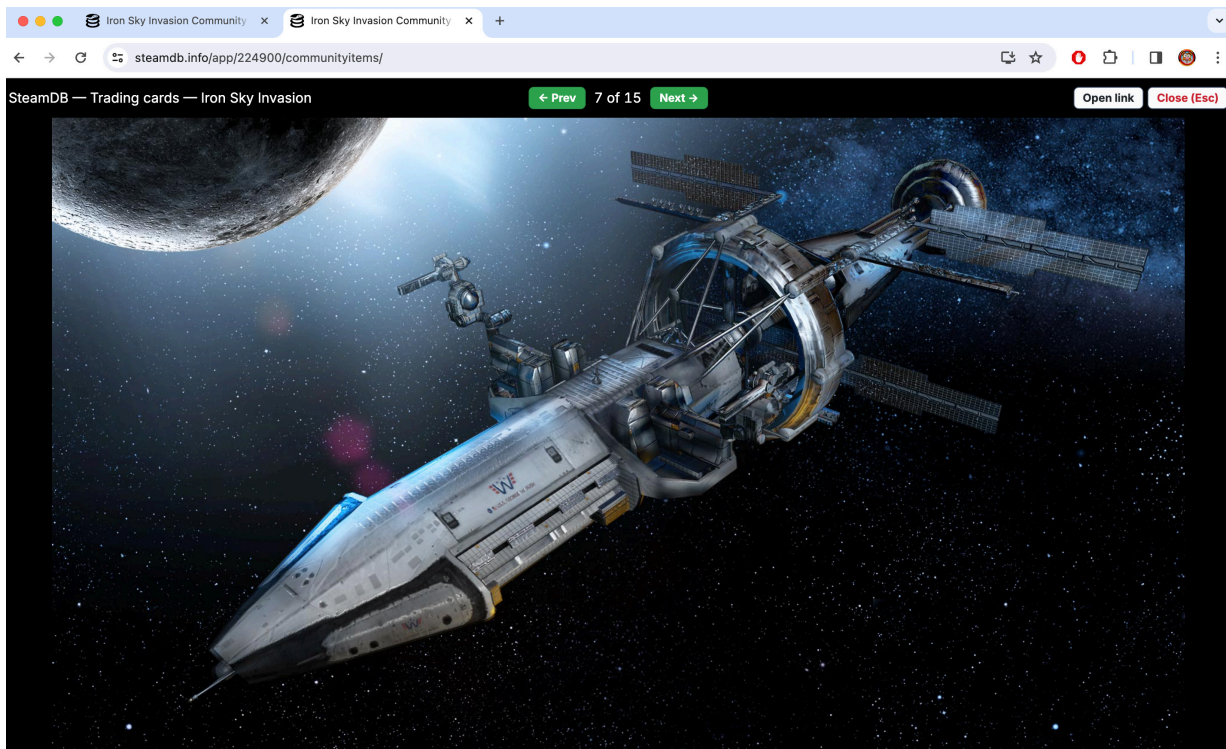


Fig. 6

68. This craft from the game Iron Sky Invasion (Fig. 6) is a clear adaption of Baylis' work, which is being unlawfully distributed by Valve Corporation. It is the same craft as in the film Iron Sky, footage of which, is also is being distributed by Valve Corporation, and which they have obtained financial gain from. The craft is a significantly similar to the George W Bush Craft in the film Iron Sky, which Baylis is the author of, and has exclusive copyrights to.

69. There can be no disagreement that Valve Corporation is infringing on Baylis' exclusive copyrights. Baylis is an unequivocal author of the work in question. Valve Corporation cannot produce a valid "Chain of Title" that establishes a connection to any permissions granted by Baylis to distribute his work in any adaptation or derivative of the film Iron Sky. Baylis has best standing to protect copyright in the work.

I. Iron Sky film version of Gotterdammerung craft.

70. Baylis' Gotterdammerung craft (Fig. 10) from Iron Sky also features heavily in the game and in footage from the film used in the game. Baylis is the main creator of the Gotterdammerung craft and led a team of six other modelers when constructing it. In particular Baylis had hands on involvement regarding his own personal formative freedoms to leave his mark on the Gotterdammerung craft.

71. Baylis had full control and final say of it's construction, the way it was rigged, and he also personally animated it in all scenes that it appears in the film including animating the destruction of the craft at the end of the film. It was a complex model that no one else on the team could use as it took specialist knowledge that only Baylis had. The idea of the craft is that it is a kind of Von Neumann Machine (self replicating of sorts) capable of burrowing into the surface of the Moon like a skin parasite, to extract raw materials for use within it's own automated factories and furnaces. Inside itself it creates production lines of other craft such as the Valkyrie UFOs as well as munitions etc.

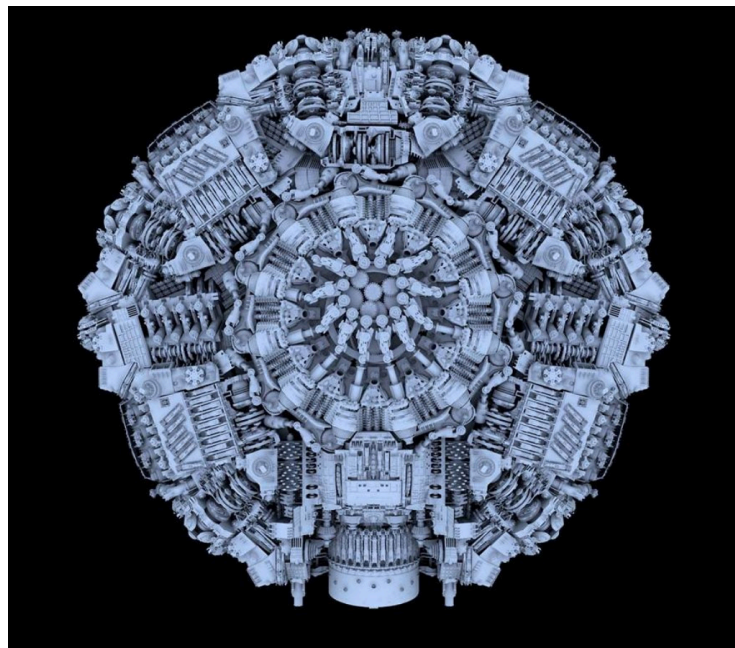


Fig. 10

J. Iron Sky film Gotterdammerung craft main authors.

3D Models VFX and Animation Authorship

Gotterdammerung war machine.

Main authors

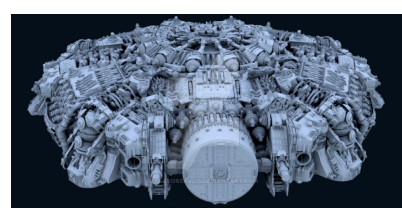
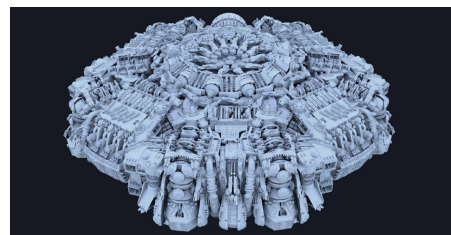
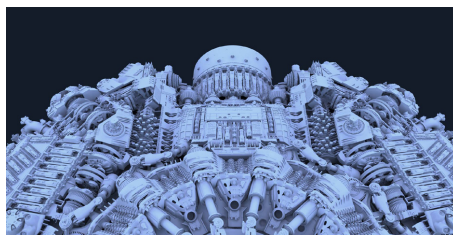
Trevor Kevin Baylis

Pyry Parkola

Seb Barquin

Risto Puukko

Iron Sky film Originals



K. Iron Sky Gotterdammerung craft within Iron Sky Invasion Game.

3D Models VFX and Animation Authorship

Gotterdammerung war machine.

Main authors

Trevor Kevin Baylis

Pyry Parkola

Seb Barquin

Risto Puukko



Iron Sky: Invasion

Iron Sky: Invasion



Iron Sky: Invasion



Iron Sky: Invasion



Iron Sky: Invasion



<https://www.youtube.com/playlist?list=PLCAwXPVHuHgAXbCPIQQAcl6uljwz5dIOG>

L. Iron Sky Invasion version of Iron Sky film Gotterdammerung craft.

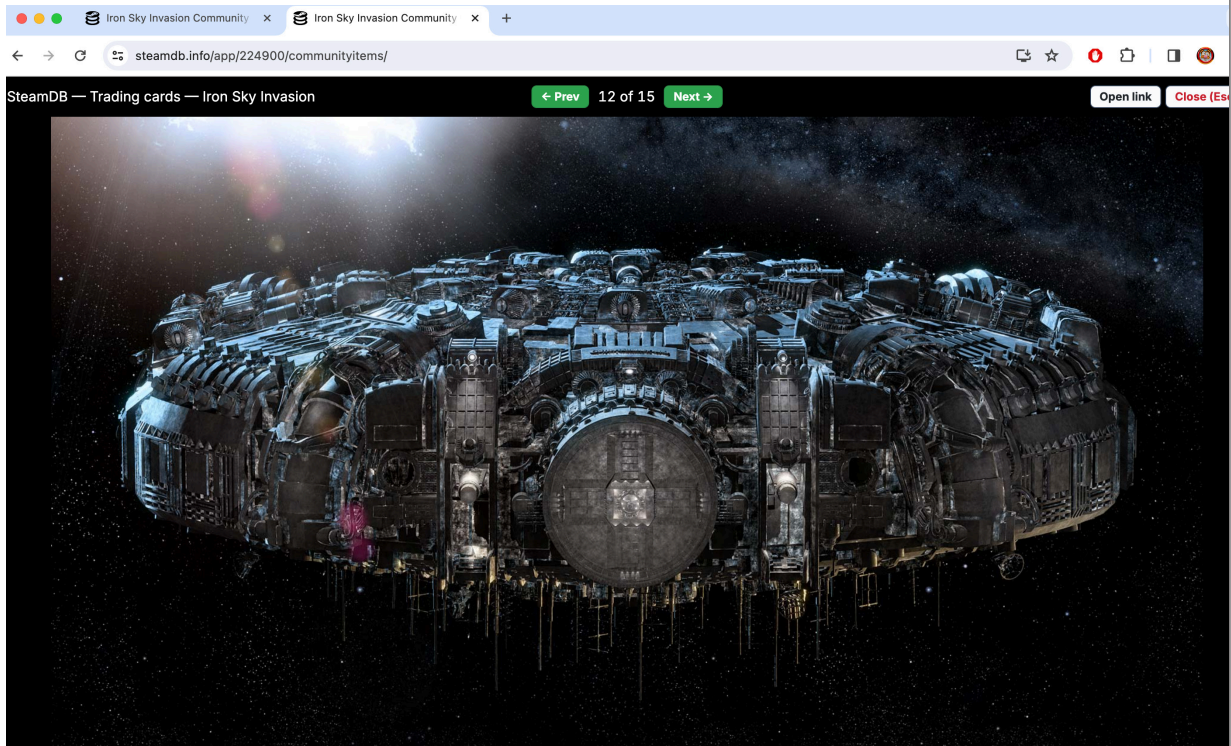


Fig. 11

72. This craft from the game Iron Sky Invasion (Fig. 11) is a clear adaption of Baylis' work, which is being unlawfully distributed by Valve Corporation. It is the same craft as in the film Iron Sky, footage of which, is also is being distributed by Valve Corporation, and which they have obtained financial gain from. The craft is a significantly similar to the Gotterdammerung Craft in the film Iron Sky, which Baylis is the author of, and has exclusive copyrights to.

73. There can be no disagreement that Valve Corporation is infringing on Baylis' exclusive copyrights. Baylis is an unequivocal author of the work in question. Valve Corporation cannot produce a valid "Chain of Title" that establishes a connection to any permissions granted by Baylis to distribute his work in any adaptation or derivative of the film Iron Sky. Baylis has best standing to protect copyright in the work.

M. Iron Sky Valkyrie UFO.

74. The Iron Sky Valkyrie UFO in Iron Sky Invasion game as well as promotional media for Iron Sky Invasion games is the same model used in the film Iron Sky that Baylis has a joint copyright interest in along with other authors of the film. Baylis has modeled part of the craft along with other members of the team as well as made lower polygon derivative versions of the model entirely from scratch for future uses in future productions in games and sequels (Fig. 12), as well as a new version prepared for 3D printing merchandise (Fig. 13).
<https://www.shapeways.com/product/7W9AD8A6X/valkyrie-ufo-from-iron-sky-2012>



Fig. 12



Fig. 13

N. Iron Sky film Valkyrie UFO craft main authors.

3D Models VFX and Animation Authorship

Valkyrie UFO.

Main authors

Janne Suhonen

Trevor Kevin Baylis

Risto Puukko

Iron Sky film Originals



O. Non-exhaustive example of scene created by Baylis for the film Iron Sky

75. Below are two images (Fig. 14) representing a single frame from a 3D modeled animated sequence created by Baylis for the film Iron Sky. The top image shows the 3D interface and the bottom image is the rendered 2D image. This scene contains multiple Valkyrie UFOs which are derivative versions of each other. This is the 57th version of the scene. That is to say there are multiple earlier versions, created also by Baylis, of the whole scene but this is the final version used in the film. This scene contains multiple, personal, formative expression from Baylis and depicts the films protagonist being taken into the Moon fortress. It is designed to give the audience the impression of an advanced bustling industrial city.

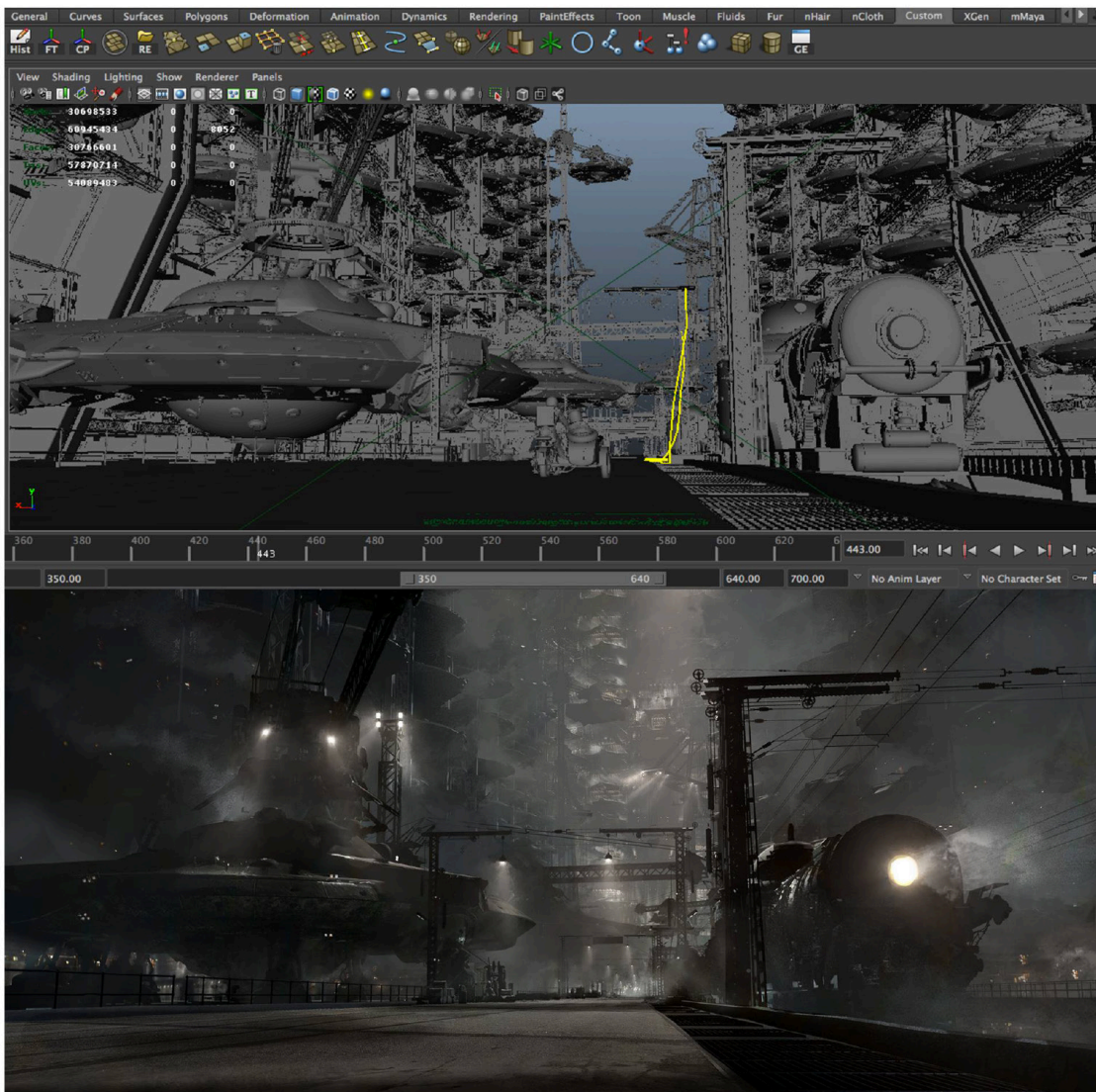


Fig. 14

P. Iron Sky park hangar master scene v57

76. These images below (Fig. 15) depict frames of the animated scene created by Baylis. Each frame is rendered basically as a series of photographic image files (Often EXR. files). The images then end up as the images of the film itself. It is not necessary to delineate such scenes in any script or storyboard as the pre-rendered scene works as better a guide itself to aid Baylis in expressing his personal formative freedoms. These can be viewed as a rough animation sequence know as a “playblast” see here, <https://youtu.be/tQaBcUKuHFo?feature=shared>

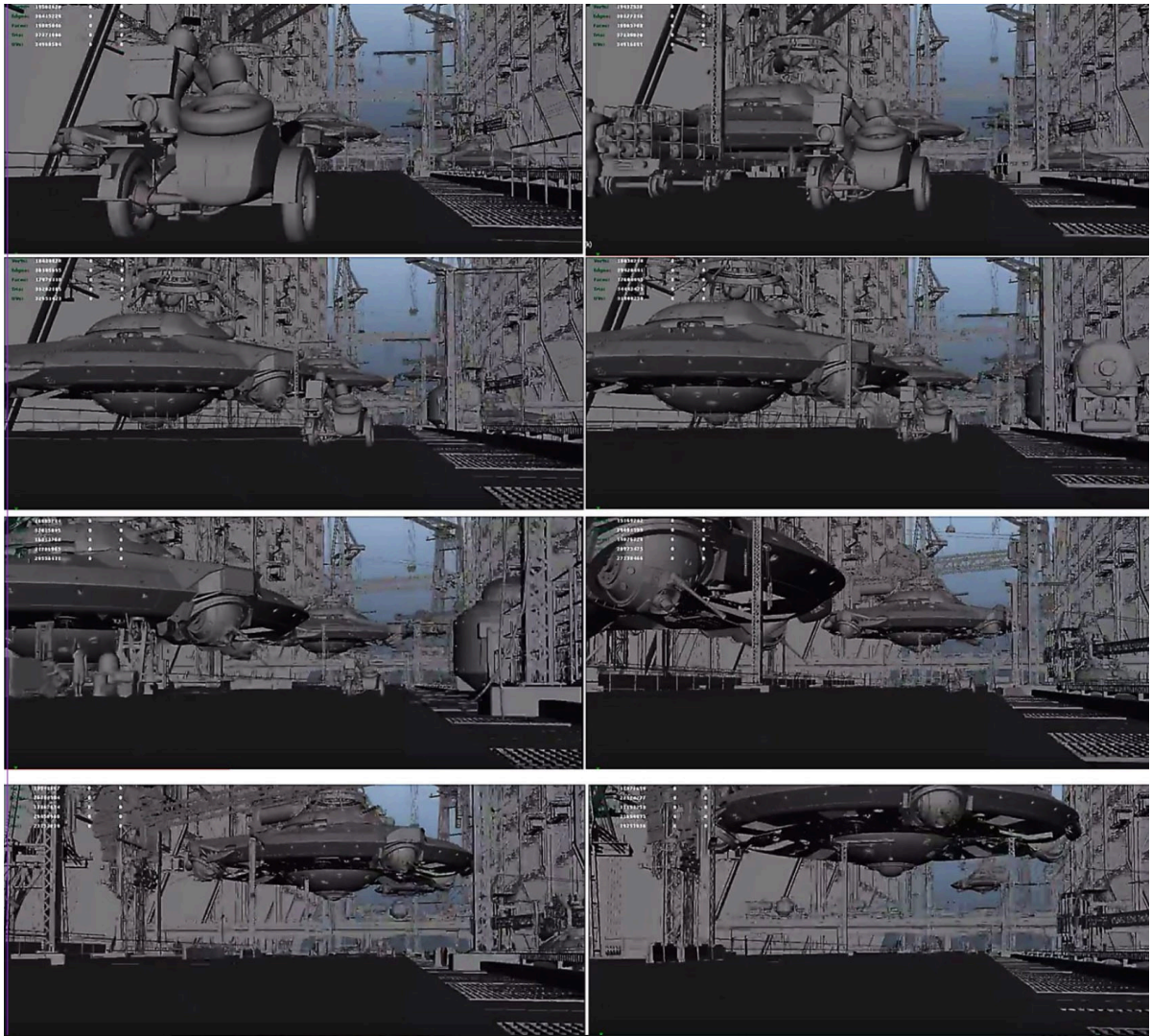
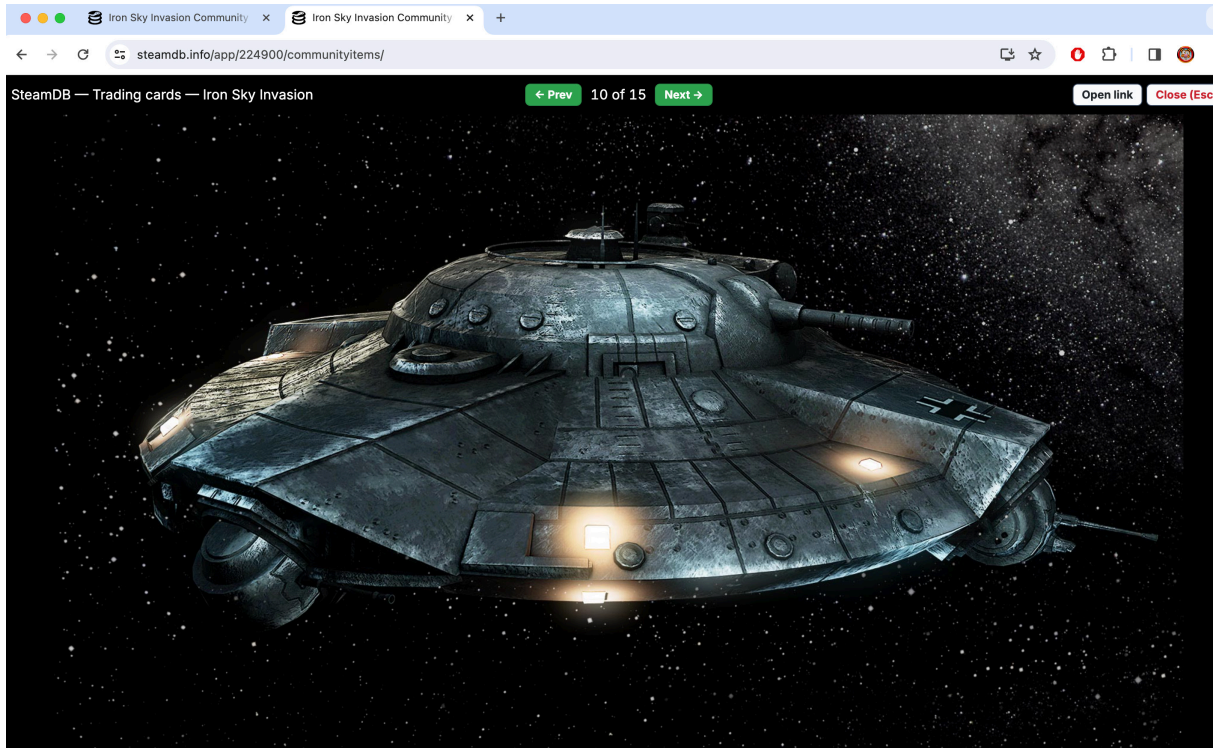


Fig. 15

Q. Iron Sky Invasion Valkyrie UFO



77. This craft from the game Iron Sky Invasion (Fig. 16) is a clear adaption of Baylis' work, which is being unlawfully distributed by Valve Corporation. It is the same craft as in the film Iron Sky, footage of which, is also is being distributed by Valve Corporation, and which they have obtained financial gain from. The craft is a significantly similar to the Valkyrie Craft in the film Iron Sky, which Baylis is the joint author of, and has exclusive copyrights to.

78. There can be no disagreement that Valve Corporation is infringing on Baylis' exclusive copyrights. Baylis is an unequivocal author of the work in question. Valve Corporation cannot produce a valid "Chain of Title" that establishes a connection to any permissions granted by Baylis to distribute his work in any adaptation or derivative of the film Iron Sky. Baylis has best standing to protect copyright in the work.

R. Iron Sky Australian ship “Dundee”.

79. The Australian ship “Dundee” (Fig. 17) features heavily in Iron Sky Invasion Game play. Baylis is an original author of that ship. The idea behind the Dundee is to express characteristics of dangerous animals that Australia is known for. The craft is based on a combination of a shark, crocodile and the way a funnel web spider flares out it’s limbs in an aggressive stance. The front end of the craft, which is initially shark like, opens up like a crocodile (albeit with three sections) to reveal an array of teeth like missiles while the sun flaps on the side open and flare out, emulating the attack stance somewhat of a funnel web spider. These are part of Baylis’ personal formative freedoms in constructing, rigging and animating the craft, and as with all the craft and animated scenes in the film, he holds a joint copyright interest in them as part of the film Iron Sky, to which he holds a joint copyright over the whole of the film due to being the lead artist and animator of the animation team.

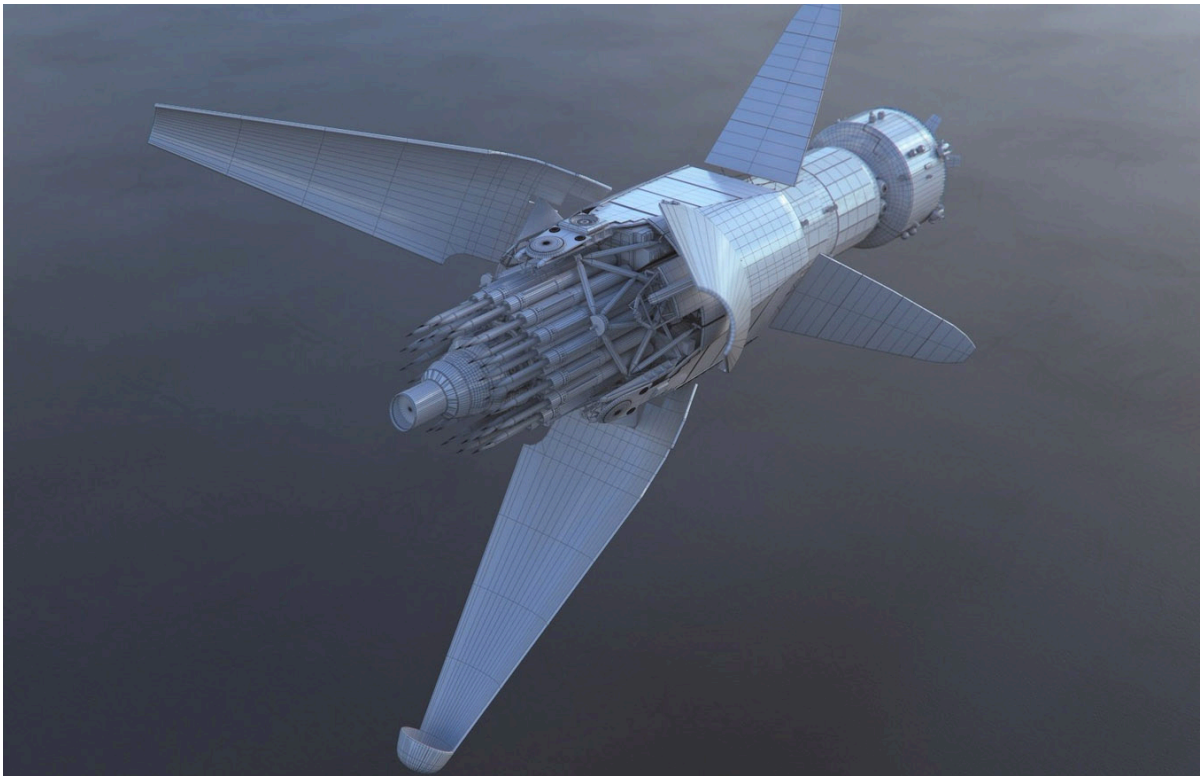


Fig. 17

S. Iron Sky Invasion Dundee craft

3D Models VFX and Animation Authorship

Australian ship (Dundee)

Main author

Trevor Kevin Baylis



Iron Sky: Invasion <https://www.youtube.com/watch?v=C9WKMHDlm9o>

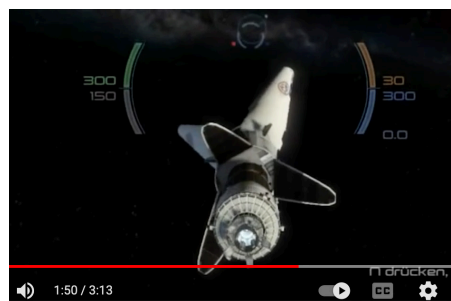
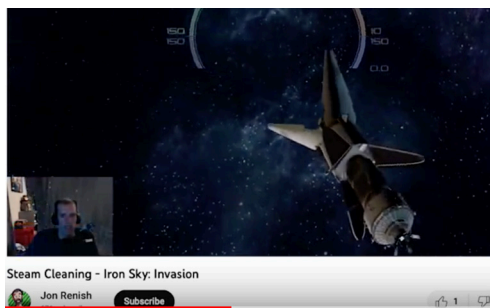




Fig. 18

80. This craft from the game Iron Sky Invasion (Fig. 18) is a clear adaption of Baylis' work, which is being unlawfully distributed by Valve Corporation. It is the same craft as in the film Iron Sky, footage of which, is also is being distributed by Valve Corporation, and which they have obtained financial gain from. The craft is a significantly similar to the Australian Craft in the film Iron Sky, which Baylis is the joint author of, and has exclusive copyrights to.

81. There can be no disagreement that Valve Corporation is infringing on Baylis' exclusive copyrights. Baylis is an unequivocal author of the work in question. Valve Corporation cannot produce a valid "Chain of Title" that establishes a connection to any permissions granted by Baylis to distribute his work in any adaptation or derivative of the film Iron Sky. Baylis has best standing to protect copyright in the work.

9. CHAIN OF TITLE

82. Baylis joined the Iron Sky project but without any employment relationship or service agreement with anyone. Instead, as shown below (Fig. 19) the document he had for the first 6 months (2x3month agreements) was for some kind of “Adult job training” (Työelämävalmennus) <https://toimistot.te-palvelut.fi/uusimaa/tyohonvalmennus> which, it turns out is commonly used by employers in Finland to acquire free professional labour for 6 months at a time. <https://www.saranen.fi/rekrytointikoulutus/gamepro>

28.1.2011
jako

Työ- ja elinkeinotoimisto

SOPIMUS TYÖHARJOITTELUSTA/TYÖELÄMÄVALMENNUKSESTA

<input type="checkbox"/> Työharjoittelu	<input checked="" type="checkbox"/> Työelämävalmennus
Työharjoittelun/työelämävalmennuksen järjestäjä TUUSTANTOYHTIÖ ENERGIA OY	
Osoite HÄMEENKATU 305 1A	Postitoimipaikka TAMPERE
Yhteyshenkilö työpaikalla SAMU TOSSONEN	
Työpaikan luottamusmies tai työntekijöiden edustaja	
Työharjoitteluun/työelämävalmennukseen osallistuva henkilö TREVOR BAYLIS	
Osoite Ei täytetä	Postitoimipaikka Ei täytetä 33560 TAMPERE
Työ- ja elinkeinotoimisto	
Osoite	Postitoimipaikka

Onko työharjoittelun/työelämävalmennuksen järjestäjä ennen tämän sopimuksen tekemistä edeltäneiden yhdeksän kuukauden aikana tuottannollisista tai taloudellisista syistä irtisanonut tai lomautanut työntekijöitä tai lyhentänyt heidän työaikaansa?
☒ ei ☐ kyllä

Työ- ja elinkeinotoimisto, työharjoittelun/työelämävalmennuksen järjestäjä ja työharjoitteluun/työelämävalmennukseen osallistuva henkilö ovat tehneet sopimuksen työharjoittelusta/työelämävalmennuksesta julkisesta työvoimapalvelusta annetun lain nojalla seuraavin ehdoin:

1. Työharjoittelun/työelämävalmennus toteutetaan **20.11. - 8.12.2011** välisenä aikana. (Kesto voi olla enintään 6 kuukautta saman järjestäjän työharjoittelussa/työelämävalmennuksessa.)
2. Työharjoittelun/työelämävalmennuksen viikottainen ja päivittäinen kesto on: **5** päivää/viikko **7,5** tuntia/päivä
Työharjoittelun/työelämävalmennus toteutetaan seuraavina viikonpäivinä (esim. ma-pe tai ma, ke, pe): **ma-pe**
3. Työharjoittelun/työelämävalmennuksen suorituspaiikka: **TUUSTANTOYHTIÖ ENERGIA OY TOIMIKAT**
4. Tehtävät työharjoittelussa/työelämävalmennuksessa (yksilöity kuvaus):
3D-MALLINNUS & ANIMOINTI IRON SKY-ELOKUVAN VARTEN
5. Työllistymissuunnitelmassa työharjoittelulle/työelämävalmennukselle sovitut tavoitteet:
6. Työharjoittelun/työelämävalmennukseen osallistuva henkilö ei ole työ- tai muussa palvelussuhteessa tässä sopimuksessa mainittuun työharjoittelun/työelämävalmennuksen järjestäjään eikä työ- ja elinkeinohallintoon.
7. Työharjoittelun/työelämävalmennukseen osallistuva henkilö ei saa tehdä muun kuin tämän sopimuksen tehneen työharjoittelun/työelämävalmennuksen järjestäjän tehtäviä sovitussa suorituspaiikassa.
8. Työharjoittelun/työelämävalmennukseen osallistuvaan henkilöön sovelletaan työaikalain 7 luvun 35 §:n säännöksiä työvuoroluettelosta.
9. Työharjoittelun/työelämävalmennukseen osallistuvaan henkilöön sovelletaan naisten ja miesten välisestä tasa-arvosta annettua lakia ja yhdenvertaisuuslakia. Lisäksi työharjoittelussa/työelämävalmennuksessa sovelletaan soveltuvien osin yksityisyyden suojasta työelämässä annettua lakia.
10. Työharjoittelun/työelämävalmennuksen järjestäjän on työharjoittelun/työelämävalmennuksen tavoitteiden toteutumiseksi tuettava ja opastettava työharjoittelun/työelämävalmennukseen osallistuvaa henkilöä.
11. Työharjoittelun/työelämävalmennuksen järjestäjän on ilmoitettava työharjoittelun/työelämävalmennukseen osallistuvan henkilön poissaolopäivät työ- ja elinkeinotoimistoon sen määräämällä tavalla.
12. Työelämävalmennuksen järjestäjän on osallistuttava työelämävalmennukseen osallistuneen henkilön ammatitaidon ja osaamisen sekä niiden kehityksen arviointiin.
13. Työharjoittelun/työelämävalmennuksen järjestäjän on annettava työharjoittelusta/työelämävalmennuksesta todistus.

TEM3.26 05/2010 s. 1(2) Luottamusmiehelle tai muulle työntekijöiden edustajalle

Fig. 19

83. As shown above in the “Adult job training” document (Työelämävalmennus) (Fig. 19 & 20) there is a section 6 which when translated to English says,

Section 6 translation to English

“6. The person participating in the internship/work life coaching is not in an employment or other service relationship with the organizer of the internship/work life coaching mentioned in this contract, nor with the labor and business administration.”

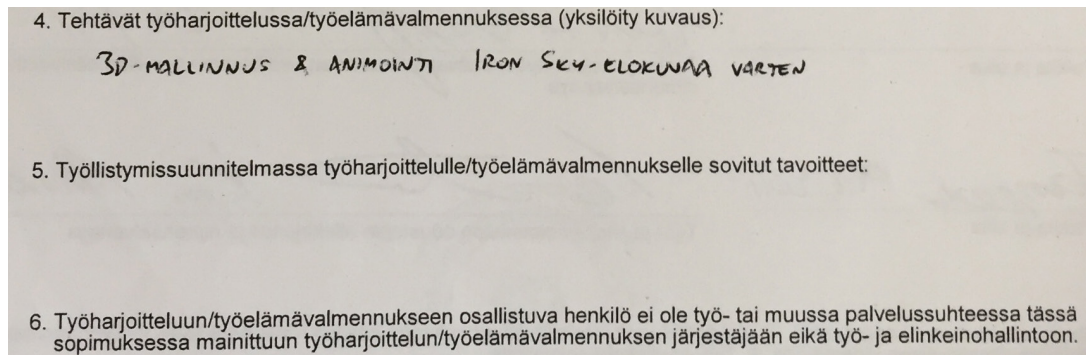


Fig. 20

84. Given the above, it cannot be the case that the 3D animation work for Iron Sky fits the criteria for “Work for Hire” under US law as Baylis was not actually in an employment relationship with the producers as demonstrated in the above document, section 6. The “Adult job training” document (Työelämävalmennus) (Fig. 19 & 20)

85. The producers have never outright owned full copyrights to any 3D animation work created by Baylis. They have utilized the work for the film only with a of tacit ‘implied license’ (user license) rather than an exclusive ‘ownership’ agreement. That is to say the producers could not, and cannot, produce any valid “work for hire” agreement themselves, or any other agreement that would vest copyright ‘ownership’ to them. Baylis remains joint author of the film Iron Sky to complete the chain of title. This is the same under German copyright law too. Baylis has best standing to protect the work from infringement.

86. Additionally, if one were to examine the script of Iron Sky there are no descriptions or any adequate delineations of the 3D animated content that make up a large part of the film. The script writer, producers, cinematographer and director had nothing at all to do with the 3D animation work. So they can’t claim direct authorship of it themselves.

1 They couldn't even say themselves who created the 3D animation work as they were in
 2 Germany or Australia doing the live action green screen work. They were as far away in the
 3 world from the 3D animation work as it is possible to be at that stage! (Winter 2010-2011).

4 87. Baylis was the modeling supervisor as part of his role (amongst other things)
 5 so he knows who did what. The names of artists can also be found in the original 3D files
 6 meta data. This fulfills criteria under Berne convention article 15 as there is "a presumption of
 7 authorship rule" related to the authors name on the works.

8 BERNE CONVENTION FOR THE PROTECTION OF
 9 LITERARY AND ARTISTIC WORKS (Paris Text 1971)

"Article 15

10 *(1) In order that the author of a literary or artistic work protected by this Convention shall,*
 11 *in the absence of proof to the contrary, be regarded as such, and consequently be entitled to*
 12 *institute infringement proceedings in the countries of the Union, it shall be sufficient for his*
name to appear on the work in the usual manner. This paragraph shall be applicable even if
this name is a pseudonym, where the pseudonym adopted by the author leaves no doubt as to
his identity."

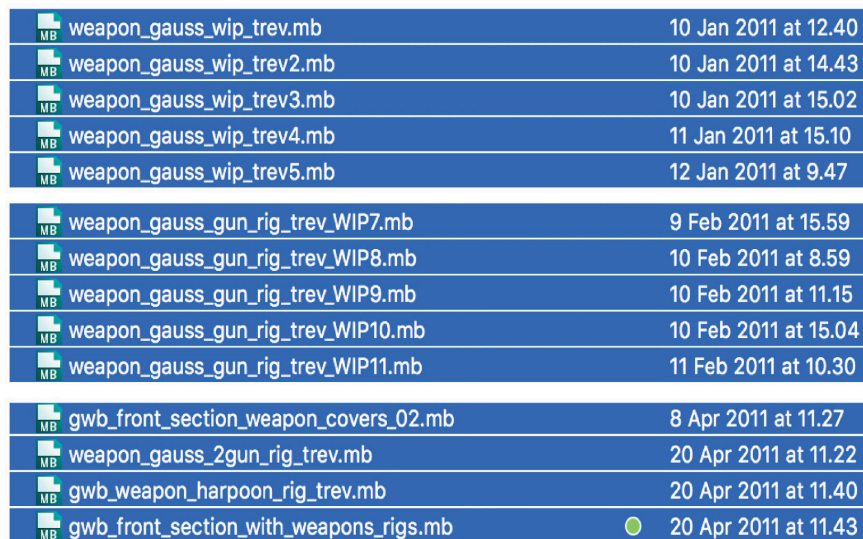
13 <https://www.law.cornell.edu/treaties/berne/15.html>

14 88. Furthermore, it is not logically possible to deny Baylis' authorship to his work
 15 by virtue of the fact his work exists, and could only exist through authorship. Therefore, even
 16 if Baylis were disparaged by fraud or deceit from being able to prove authorship then who
 17 else could claim to be author of the work other than a "plagiarist"? However, any plagiarist
 18 would logically have less evidence than Baylis to be able to claim authorship. For instance,
 19 as in Keane v Keane (Keane v. Keane, 893 F.2d 1338) Walter Keane claimed to be author
 20 of disputed works but it was Margret Keane that was able to reproduce a work similar to
 21 disputed works whilst Walter Keane was unable to paint when challenged to do so by Margret
 22 Keane or before a judge. *"Margaret claimed credit for painting the big-eyed children, and*
 23 *which recounted Margaret's challenging Walter to a "paint out" in San Francisco" (Keane v.*
 24 *Keane, 893 F.2d 1338)*

89. A substantial amount of original 3D animation files (Maya files) related to Iron Sky film are in the possession of Baylis and it was common for him to place his own name “trev” in the files. This helped keep the files organised on the workplace server and was part of the file management system used by Baylis and other artists. Below is a screen grab (Fig. 21) from a computer operating system’s window (Finder on Mac) which shows a non-exhaustive example of the files, and the date they were last saved such as,

“**weapon_gauss_wip_trev.mb 10 Jan 2011 at 12.40**”.

90. These relate to the construction history of the George W Bush weapons reveal scene that Baylis created. Thus he can demonstrate authorship of the files easily, and due to his name being on them he has standing to protect his work in Berne Union Nations. The United States became a party to the Berne Convention in 1989.



weapon_gauss_wip_trev.mb	10 Jan 2011 at 12.40
weapon_gauss_wip_trev2.mb	10 Jan 2011 at 14.43
weapon_gauss_wip_trev3.mb	10 Jan 2011 at 15.02
weapon_gauss_wip_trev4.mb	11 Jan 2011 at 15.10
weapon_gauss_wip_trev5.mb	12 Jan 2011 at 9.47
weapon_gauss_gun_rig_trev_WIP7.mb	9 Feb 2011 at 15.59
weapon_gauss_gun_rig_trev_WIP8.mb	10 Feb 2011 at 8.59
weapon_gauss_gun_rig_trev_WIP9.mb	10 Feb 2011 at 11.15
weapon_gauss_gun_rig_trev_WIP10.mb	10 Feb 2011 at 15.04
weapon_gauss_gun_rig_trev_WIP11.mb	11 Feb 2011 at 10.30
gwb_front_section_weapon_covers_02.mb	8 Apr 2011 at 11.27
weapon_gauss_2gun_rig_trev.mb	20 Apr 2011 at 11.22
gwb_weapon_harpoon_rig_trev.mb	20 Apr 2011 at 11.40
gwb_front_section_with_weapons_rigs.mb	20 Apr 2011 at 11.43

Fig. 21

91. The files can be opened using a basic text editor and they reveal Baylis’ name “trev” sometimes thousands of times within the actual code of the files as the files are reliant on each other in larger scenes as reference files. Here is a video demonstration (Link),

IronSkyFilesMetaData

<https://youtu.be/wy1jdRcYqW8?si=9dVEytSexjPDE03d>

92. As mentioned, the script writer, producers, cinematographer and director for Iron Sky had nothing do with the 3D animation work. They can't claim direct authorship of it themselves. They couldn't even say who created the 3D animation work as they were in Germany or Australia doing the live action green screen work. They were as far away in the world from the 3D animation work as it is possible to be at that stage! (Winter 2010-2011).

**Location Of Timo Vuorensola, Samuli Torssonen and Others Involved In
Live Action Filming Of Iron Sky During 2010 - 2011.**

1. Iron Sky Signal E17 - First Shootings & Sneak Peek (Nov 18, 2010)
https://youtu.be/64v_6ZEIrfA?si=B0cDJrENZl4tweL4 (Accessed 11 Jan 2024)
2. Director's Diary: The Longest Journey (Dec 30, 2010)
<https://youtu.be/-HieTTp4a3s?feature=shared> (Accessed 11 Jan 2024)
3. Director's Diary: The first shooting day in Australia (Jan 11, 2011)
https://youtu.be/ZgWdlIMnH6M?si=_J20-Yy0dgCvUbIl (Accessed 11 Jan 2024)
4. Iron Sky Signal E20 - Australia Wrap & The First Promo Trailer
(March 28, 2011) <https://youtu.be/-nwnVQ0iITA?si=8iHvM8MjKDd6JaNT> (Accessed 11 Jan 2024)
5. Director's Diary: I'm in Cannes - where are you? (May 13, 2011)
https://youtu.be/mTwLnNUW_Mg?si=_EtLn-xKXZqW_Mvm (Accessed 11 Jan 2024)
6. Director's Diary: European Tour, part 1 (June 28, 2011)
<https://youtu.be/mZHiaetMmFI?si=L-pzGkNDR91fa-Q> (Accessed 11 Jan 2024)
7. Director's Diary: New York, Day 2 (August 30, 2011)
<https://youtu.be/sJ3s0KawrWM?si=Q0RPy27ypAXEyBeP> (Accessed 11 Jan 2024)
8. Director's Diary - Iron Sky According To Udo Kier (November 9, 2011)
<https://youtu.be/A9xXGeJG77Y?si=xULQIgfwtdJB-RbJ> (Accessed 11 Jan 2024)

10. IRON SKY INVASION GAMES ON VALVE CORPS SERVICE PLATFORMS

93. Valve Corporation continues to willfully infringe on Baylis' exclusive copyrights related to the film Iron Sky and are able to receive financial benefits from doing so.

A. Iron Sky Invasion game play streamed to third party platforms.

94. For the purposes of demonstration I edited a short video of Iron Sky Invasion game play (Link) which shows how actual footage from the film Iron Sky is incorporated into the game itself. **GamePlayEvidence** <https://youtu.be/da5GfIjfuvI?feature=shared>

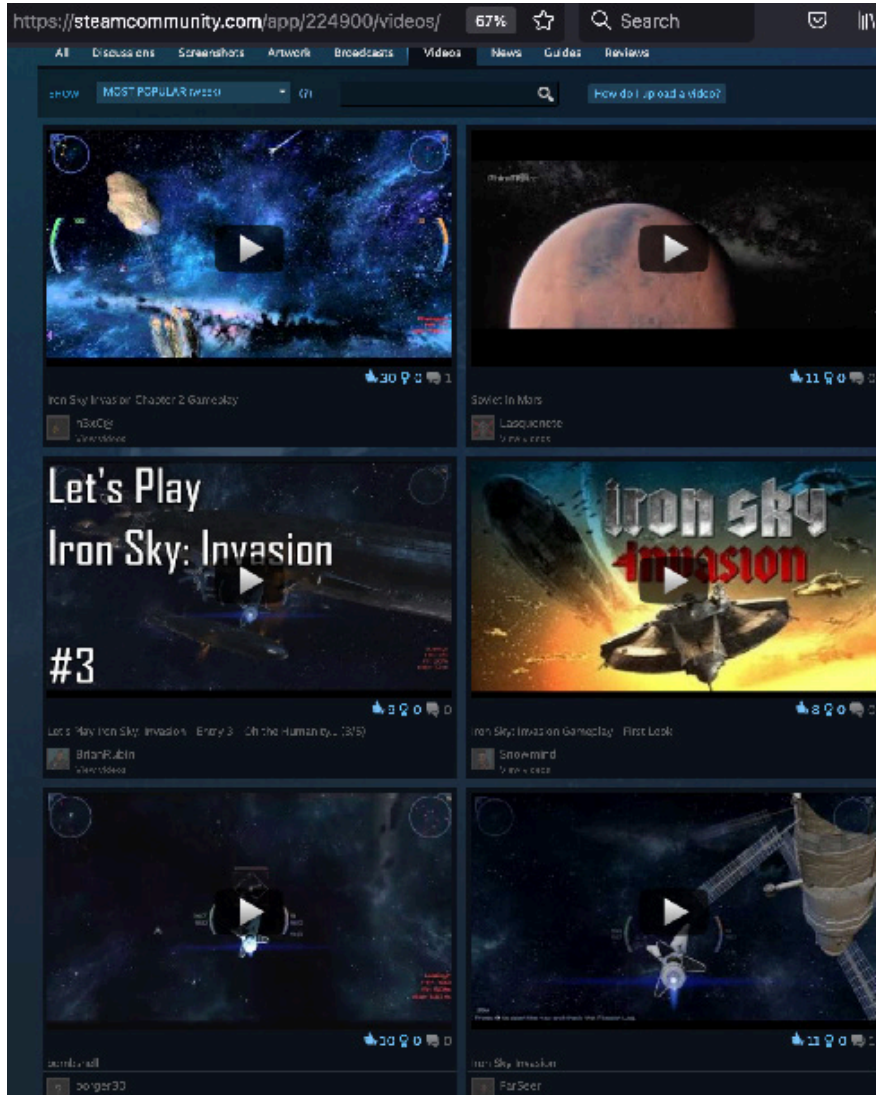
95. This includes but not limited to, the Gotterdammerung crash scenes from the film which are used to denote the successful "game mission". Then follows the credits of the game in which nowhere can be seen any mention of Baylis nor other animators who actually worked on the film. Instead it appears to just credit the game artists. Some screen grabs below.



96. This video shows actual game play of Iron Sky Invasion which a person (Youtuber) called Jon Renish appears to be streaming to his own audience.

B. Other game play videos accessible via Valve's Steam Platform

97. There are also many other such game play videos accessible via Valve Corporations own platform service. here, <https://steamcommunity.com/app/224900/videos/> (accessed 23 Dec 2023)



98. This suggests a secondary, “Contributory Infringement” of Baylis’ work as Valve Corporation are clearly involved in allowing this to happen.

99. Baylis sent a take-down request to Valve Customer Support, (support@steampowered.com) on 7 Aug 2023 which they first replied to on 8th of August 2023 but 6 months later Valve have failed in their duty to “expeditiously” disable the infringing material

1 under the Digital Millennium Copyright Act (17 U.S.C. §512), and continue copyright
2 infringement of Baylis' work in violation of the Copyright Act of 1976, U. S. C. 17 §106.

3 100. The DMCA take-down request itself was hindered by Valve contact via email
4 at dmca@valvesoftware.com requesting unnecessary things like a "court decision" showing
5 that Baylis had been granted copyright...he is an author! There is a "no formalities rule" under
6 Berne Convention article 5(2).

7 **"(2) The enjoyment and the exercise of these rights shall not be subject to any**
8 **formality;"** (Berne Convention article 5)

9 101. Email from dmca@valvesoftware.com on 8th of August 2023

10 *"We have received your copyright complaint against the Iron Sky games. We cannot*
11 *act on your complaint from the evidence provided. If you have a court decision showing that*
12 *you have been granted ownership rights of this content, please provide it for our review."*

13 102. After more email exchanges whereby Baylis' submitted evidence was ignored
14 (Including evidence of wages theft and Iron Sky producers failing to demonstrate copyright
15 ownership), the operator from dmca@valvesoftware.com, contacted Baylis on the 16th of
16 August saying that he needed to file a new complaint.

17 103. Email from dmca@valvesoftware.com on 8th of August 2023

18 *"You may file new complaints here: <https://steamcommunity.com/dmca/create/>"*

19 104. This turned out to be impossible as the link had no facility for Baylis to upload
20 images to allow them to be compared with infringing content . Additionally, there was a
21 CAPTCHA That refused to identify Baylis as a human!

22 105. Valve then briefly took down the material but re-uploaded it again after
23 sending Baylis a Counter Notification from the Iron Sky Game developers Topware
24 Interactive and stating that, "Per 17 U.S.C. sec. 512 of the Digital Millennium Copyright Act

(DMCA Safe Harbor provisions), Valve has fulfilled its role in this copyright complaint.”

(Email from dmca@valvesoftware.com on 23rd of August 2023)

106. However, Valve must be aware they are not covered the Digital Millennium Copyright Act safe harbor immunity (17 U.S.C. §512 (c)) due to the fact they receive financial benefits from the infringing activities, and have the right and ability to control such things, and Valve have a registered designated Digital Millennium Copyright Act Agent “Dawn Dempsey” who should know that Valve are exempt from safe harbour immunity under the Digital Millennium Copyright Act (17 U.S.C. §512 (c)) and therefore, Valve has made material misrepresentations under 17 U.S.C. §512 (f).

107. Baylis’ take-down request was directed at Valve, not Topware Interactive who are in Germany, where the Digital Millennium Copyright Act (17 U.S.C. §512) doesn’t exist!

11. CAUSES OF ACTION

COUNT 1

DIRECT COPYRIGHT INFRINGEMENT UNDER U. S. C. 17 §501

108. Baylis realleges paragraphs 1-107 of this Complaint, and all exhibits and references in this Complaint are incorporated as if fully set forth herein.

109. Baylis is a joint author and owner of copyrights to the film Iron Sky including but not limited to animated sequences and 3D models of crafts and scenes within the film, as well as various 3D animation files from which the film is derived from.

110. Valve has in the past and continues to display and distribute Baylis’ copyrighted works on it Steam platform without any valid license from Baylis to do so, and therefore constitutes direct copyright infringement in violation of the Copyright Act of 1976, U. S. C. 17 §106.

111. Valve’s infringing activity has caused and will continue to cause irreparable and continuing harm leading to a cycle of abuse of Baylis’ copyrighted works whereby other

1 third parties could appropriate Baylis' work from Steam and obtain monetary gain themselves
2 to which there is no adequate remedy at law, and will also cause further monetary damages
3 while Valve unfairly acquires revenue, income, profits, and goodwill at the expense of Baylis.

4 **COUNT 2**

5 **VICARIOUS COPYRIGHT INFRINGEMENT UNDER U. S. C. 17 §501**

6 112. Baylis realleges all preceding paragraphs of this Complaint, and all exhibits
7 and references in this Complaint are incorporated as if fully set forth herein.

8 113. Baylis is a joint author and owner of copyrights to the film Iron Sky including
9 but not limited to animated sequences and 3D models of crafts and scenes within the film, as
10 well as various 3D animation files from which the film is derived from.

11 114. Valve has in the past and continues to encourage others to reproduce, display and
12 distribute Baylis' copyrighted works from its Steam platform without any valid license from
13 Baylis to do so, and therefore constitutes vicarious copyright infringement in violation of the
14 Copyright Act of 1976, U. S. C. 17 §106.

15 115. Valve's infringing activity has caused and will continue to cause irreparable
16 and continuing harm leading to a cycle of abuse of Baylis' copyrighted works. Whereby other
17 third parties appropriate Baylis' work from Steam, to which none of whom have any standing
18 to seek "remedies and protections" themselves, from even more third parties appropriating
19 Baylis' work (U.S.C.17 §103 (a)) (U. S. C. 17 §204), to further use on multiple other third
20 party platforms, and may obtain monetary gain to which, there is no adequate remedy at law,
21 and will also cause further monetary damages and emotional distress, while Valve unfairly
22 acquires revenue, income, profits, and goodwill at the expense of Baylis. Valve's infringing
23 action are even more egregious as they don't have "exclusive rights" to allow such sub-
24 licensing, adaptations and further distributions under U. S. C. 17 §204.

COUNT 3

MATERIAL MISREPRESENTATIONS UNDER U. S. C. 17 §512 (f)

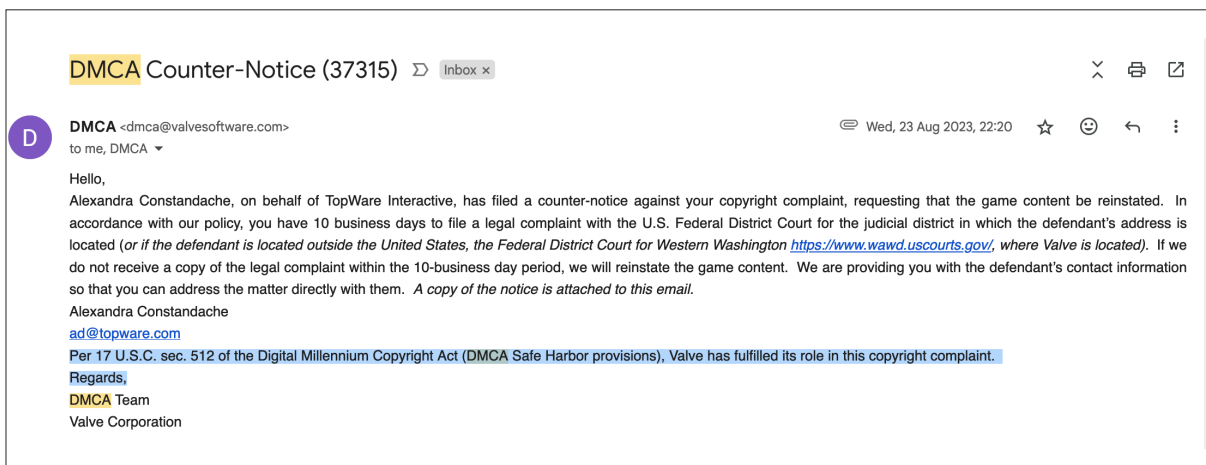
116. Baylis realleges all preceding paragraphs of this Complaint, and all exhibits and references in this Complaint are incorporated as if fully set forth herein.

117. Baylis is a joint author and owner of copyrights to the film Iron Sky including but not limited to animated sequences and 3D models of crafts and scenes within the film, as well as various 3D animation files from which the film is derived from.

118. Valve are fully aware they are not covered the Digital Millennium Copyright Act safe harbor immunity (17 U.S.C. §512 (c)) due to the fact they receive financial benefits from the infringing activities, and have the right and ability to control such things

119. Valve has made knowing material misrepresentations under 17 U.S.C. §512 (f) by trying to deceive Baylis when they claimed via Email that “Per 17 U.S.C. sec. 512 of the Digital Millennium Copyright Act (DMCA Safe Harbor provisions), Valve has fulfilled its role in this copyright complaint.” (Email from dmca@valvesoftware.com on 23rd of August 2023).

120. Valves Email from dmca@valvesoftware.com on 23rd of August 2023.



121. Valve has made knowing material misrepresentations under 17 U.S.C. §512 (f) in replacing the removed material and/or ceasing to disable access to it as Baylis' take-

1 down request was directed at Valve not any third party Partner because it is Valve who are the
2 infringing party of Baylis' rights in violation of the Copyright Act of 1976, U. S. C. 17 §106.

3 122. Valve's material misrepresentations allows them to continue to benefit monetarily
4 from infringing activities in violation of the Copyright Act of 1976, U. S. C. 17 §106.

5 123. Valve's material misrepresentations has caused and will continue to cause
6 irreparable and continuing harm and will also cause further monetary damages and emotional
7 distress, while Valve unfairly acquires revenue, income, profits, and goodwill at the expense
8 of Baylis.

9 **COUNT 4**

10 **WILLFUL BLINDNESS UNDER U. S. C. 17 §512 AND U. S. C. 17 §106**

11 124. Baylis realleges all preceding paragraphs of this Complaint, and all exhibits
12 and references in this Complaint are incorporated as if fully set forth herein.

13 125. Baylis is a joint author and owner of copyrights to the film Iron Sky including
14 but not limited to animated sequences and 3D models of crafts and scenes within the film, as
15 well as various 3D animation files from which the film is derived from.

16 126. Valve were informed and had knowledge of infringing activities related to
17 Baylis' works and exclusive rights on their Steam Platform in violation of o the Copyright Act
18 of 1976, U. S. C. 17 §106.

19 127. Valve failed in their duty under the Digital Millennium Copyright act 17 U.S.C.
20 §512 to "expeditiously" to remove, or disable access to, the material that is claimed to be
21 infringing or to be the subject of infringing activity" under U.S.C. §512 (C).

22 128. Valve have shown willful blindness as they had "Red Flag awareness" of a US
23 Copyright Registration and Baylis as author and has exclusive rights under U. S. C. 17 §106.

24 129. Valve have shown willful blindness as they had "Red Flag awareness" of

1 previous legal disputes including ‘wages theft’ (a breach of contract which negates any possible
2 licenses) whereby, Baylis was confirmed as author of the work in question by judge, Oskar
3 Kulmala in Baylis v. Troll VFX, Case L 15/32468 (21st October 2016. Tampere Finland)

4 130. Valve have shown willful blindness as they had “Red Flag awareness” of
5 previous legal disputes in foreign territories whereby the Iron Sky film Producers were unable
6 to demonstrate adequate exclusive copyright ownership to authorise derivative works, such as
7 video games or to seek “remedies and protections” themselves which led to their bankruptcy.

8 131. Valve have shown willful blindness as they had “Red Flag awareness” due to
9 the credits of Iron Sky Invasion games artist not corresponding to the actual Iron Sky film
10 artists who created the original copyrighted works in question which violates moral rights.

11 132. Valve have failed in their own “review process” as part of their Terms of Service
12 where they should perform a high standard due diligence and Chain of Title reviews to ensure
13 their Partner in this case had adequate exclusive rights to publish and distribute, derivative
14 works, especially when such works are derived from a film which would include, potential
15 royalty payments to original film artists and other legal issues given that Valve’s Steam
16 Platform is a major distributor and seller of video games who have their own legal experts.

17 133. Valve have shown willful blindness as they had “Red Flag awareness” that
18 Valve doesn’t have any “exclusive rights” from Baylis under U. S. C. 17 §106 to allow users
19 of Steam to reproduce, display and distribute Baylis’ work to other Online Platforms.

20 134. Valve have shown willful blindness as they had “Red Flag awareness” that
21 Baylis has best standing to protect copyright under U. S. C. 17 §106 as he’s author of the works.

22 135. Valve’s willful blindness has caused and will continue to cause irreparable and
23 continuing harm and will also cause further monetary damages and emotional distress, while
24 Valve unfairly acquires revenue, income, profits, and goodwill at the expense of Baylis.

12. RELIEF

136. Baylis asks court to order Valve to pay them at least \$1,096,451.50 for actual damages as this is believed to be gross revenue generated by infringing actions as of 4 October 2023 and any additional profits.

137. Baylis asks court to order Valve Corporation to pay them further accruing actual damages from 4 October 2023 as the willful infringement is ongoing.

138. Baylis asks the court to order Valve to cease their willfully infringing actions.

139. Baylis asks for Declaratory Relief, including but not limited to a declaration and judgment that Valve's conduct alleged in the complaint violates laws alleged in the complaint, and such other, and further relief as the court deems proper and just.

13. SUMMARY

140. Baylis has established a valid claim against Valve and causes of action.

141. Valve has distributed Baylis' copyrighted works worldwide without authorization from Baylis via numerous games related to the film Iron Sky of which Baylis is an author. The infringing works have been adequately identified, and substantial similarity has been shown between the infringing works and Baylis' copyrighted works.

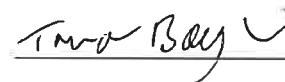
142. Baylis has correctly identified jurisdiction and venue based on federal law.

143. Baylis believes they have as conformed with all necessary requirements under Federal Rule of Civil Procedure 11.

6th February 2024

Trevor Kevin Baylis

Jankanraitti, Tampere 33560, FINLAND



Please note: Baylis is dyslexic. Thus written documents such as this may have minor accidental spelling and or grammatical errors. Such things should not be seen as cause to prejudice the author of this document.

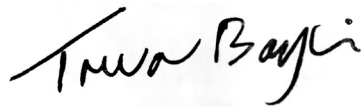
CERTIFICATE OF SERVICE FORM
FOR ELECTRONIC FILINGS

I hereby certify that on 6th February 2024 I electronically filed the foregoing document
with the United States District Court
Western District of Washington at Seattle by using the
CM/ECF system. I certify that the following parties or their counsel of
record are registered as ECF Filers and that they will be served by the
CM/ECF system:

Jeremy E Roller: jroller@aretelaw.com,
jfisher@aretelaw.com,
kgreenberg@aretelaw.com

Jonah O. Harrison: jharrison@aretelaw.com,
jfisher@aretelaw.com,
kgreenberg@aretelaw.com

Dated: 6th February 2024

A handwritten signature in black ink, appearing to read "Trevor Baylis", is written over a light gray rectangular background.

Trevor Kevin Baylis

Jankanraitti

Tampere 33560, FINLAND